THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3329 of 1998

ORAL ORDER:

This writ petition is filed seeking Mandamus directing the respondents to dig a canal for proper flow of water from the sluice (OT) of Pullaiah Banjar Major into Sangareddy Cheruvu, so that the lands of petitioner and adjacent landowners are not submerged or in the alternative direct the respondents to close the sluice (OT) through which the water is flowing into petitioner lands.

It seems, petitioner is the owner of agricultural lands in Survey No.1005 to 1015 of Kallur village, Khammam district. According to the petitioner, his main source of livelihood is agriculture. The 21 branch main canal of Nagarjuna Sagar Project known as 'Pullaiah Major Banjar II' passes through his lands. With a view to supply water for irrigating the lands, a sluice (OT) was provided near petitioner's lands without providing a branch canal for the water to flow into the fields. Water from the sluice (OT) flows into a tank known as Sangareddy Cheruvu, though there is no canal provided for the same. In the process of flowing water into Sangareddy cheruvu, the water submerges petitioner's lands, due to which, petitioner was unable to cultivate his lands. Hence, the present writ petition.

A detailed counter affidavit has been filed by the Superintending Engineer, NSC, O&M Circle, Tekulapalli, Khammam district. At para 7 of the said counter, it is stated as under:

> "It is submitted that as this scheme involves lot of detailed investigation and the time left over is only two months every year for detailed surveys, as entire locality is generally be with agricultural lands and water in Sangareddy tank. Further, there is a protest from the

ayacutdars of the tank for abandonment of the tank and obstructing the survey work. As such the delay occurred in finalizing the proposals. Action is being taken to finalise the proposals and submit the same to the Government for approval. The department is keen in finalizing the proposals and excavating the channels at the earliest. The department is taking action for finalizing the proposal for obtaining the Government permission. Until the channel of Pullaiah Banjara Major II and its distributories are excavated fully the OT from the 21st Main branch canal will not be opened by the department and allow any water into Sangareddy tank".

Further, during the pendency of writ petition, the learned counsel also seems to have issued legal notice dated 22.12.2005. In reply to the said notice, the Incharge Superintending Engineer, Tekulapalli, Khammam district addressed a letter dated 25.3.2006 to the learned counsel for petitioner stating that;

"On 20.2.2006, the ryots removed the shutter by force from its position and thrown it into the canal. On the next day i.e. on 21.2.2006, the major was closed by laying sand bags and grass bundles. Again on 24.2.2006 during night hours, the ryots removed the sand bags and grass and diverted water into the tank and ayacut. The off-take was closed with concrete on 25.2.2006 and leakage of water from Pullaiah Banjar Major.II was arrested completely. Further on 2.3.2006, a group of ryots came to the off-take of Pullaiah Banjar Major II and damaged the concrete, removed shutter and drawn water illegally. The Assistant Engineer, NSC (Monitoring) Section, Enkur has lodged complaint with the Station House Officer, Kallur against the ryots responsible for the illegal action to take stringent action against the culprits. At present, the off-take of Pullaiah Banjar Major II is closed with grass bundles".

Apart from that, as noticed above, the respondents are also contemplating to excavate and create distributory channel in this regard.

In view of the above, the respondents are directed to monitor regularly the illegal actions of ryots, if any, and see that the channel is created as asserted in the counter filed by them.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 22.11.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3329 of 1998

22.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3329 of 1998

Date: 22nd November, 2006

Between:

Ch.Seshacharyulu

Petitioner

And

Government of A.P., rep. by its
Principal Secretary, Major Irrigation Department,
Secretariat, Hyderabad & others.

.. Respondents